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October 4, 2006

**VIA ELECTRONIC SUBMISSION & FEDEX**

Jeremy Marcus, Acting Division Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, DC 20554

RE: REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Dear Mr. Navin:

This Letter is to serve as a written Request by INTRATEL, LLC (hereinafter referred to as ILLC) for Special Temporary Authority from the Telecommunications Access Policy Division to allow ILLC to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) and or the Pooling Administrator (PA) for use in ILLC's planned release of its "follow me" Personal Communication Services (PCS). This request arises from NANPA's denial of ILLC's Application for such access because **"Current regulatory practices do not permit assignment of NANP resources (i.e., 500 NXXs for VOIP purposes"**<sup>1</sup> It must be noted that this is the only reason given for the Denial.

**Nature of Service**

ILLC is a Section 214 licensed facilities based carrier with a National Operations Center ("NOC") on the Global Crossing Worldwide IP Network and has been assigned Operating Carrier Number (OCN) 450D. ILLC plans to offer "Follow Me" Personal Communication Services combined with "Interconnected VoIP Services", as that term is defined in the Commission's VoIP 911 Order and Commission Rules 9.5. ILLC's "Interconnected VoIP Service" component has been certified to be E911 compliant in accordance with the Commission's Order.<sup>2</sup>

NANPA defines the criteria for Personal communication services and 500-NXX Assignments as follows:

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<sup>1</sup> See "Intratel 500 Application Denied" NANPA

<sup>2</sup> See E911 Certificate annexed hereto

## “Numbering Resources

### 1. 500-NXX Assignments

500 numbers are used for "follow me" personal communication services. Personal communications service is defined more formally as "a set of capabilities that allows some combination of personal mobility, terminal mobility, and service profile management. It enables each personal communications service user to participate in a user-defined set of subscribed services and to initiate and/or receive calls on the basis of some combination of a personal number, terminal number, and service profile across multiple networks at any terminal, fixed or mobile, irrespective of geographic location. Service is limited only by terminal and network capabilities and restrictions imposed by the personal communications service provider."

500 numbers are in the format 500-NXX-XXXX. 500-NXX codes, each subsuming a block of 10,000 numbers, are assigned to service providers who provide personal communications service as defined above. These service providers, in turn, assign individual numbers to their customers.

Potential customers in search of a particular 500 number should download and review current 500-NXX assignments, find the NXX for the number they want, and contact the service provider listed to determine if the number and service they want is available. Unlike toll free numbers, 500 numbers are not portable, so 500 numbers may not be ported from one service provider to another.

It is important to note that 500 numbers are not defined as free to the calling party. In fact, the assignment guidelines do not address charging for personal communications services. Depending on the service provider, calls could be charged to the calling party, the called party, or some combination of both.

500-NXX codes are assigned according to [guidelines](#) developed by the Industry Numbering Committee, which is sponsored by ATIS.

In time and if needed, additional NPA codes may be assigned for "follow me" personal communications services. NPA codes 522, 533, ? have been reserved for this purpose. For this reason, the assignment guidelines refer to the more generic "N00-NXX" rather than "500-NXX."<sup>3</sup>

In contrast to the traditional VoIP services offered by others, ILLC's service offering is totally software based without the need for a fixed location, Analog to Digital Converter or Device associated with a relevant geographic telephone number assigned by an existing rate center. The service offering is a combined Audio-Video System with a bi-

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directional IP Telephony feature that interfaces to the PSTN through ILLC's Patented IP to PSTN to IP Gateway and a Directory Server. The service operates for both fixed site and nomadic subscribers and will be offered to business, educational, governmental, and residential customers nationwide.

It is clear that by definition, and the wording in NANPA's Denial of its Application, ILLC meets every one of NANPA's carrier requirements. The service offering falls Four Square within NANPA's definition for PCS and Guidelines for access. ILLC as an IPES provider is being denied access to a free public resource simply because its technology is IP based.

### **Need For Direct Access To NANPA/PA Resources**

In today's VoIP marketplace, most if not all VoIP Service providers connect their customer's calls to the Public Switched Telephone Network (PSTN) via a required broadband connection and an adapter to interface with their customer's telephone carrier's time division multiplexed (TDM) network. In order to complete the calls bi-directionally, the VoIP provider has to assign an NANP telephone number to its customers otherwise, a party on the PSTN has no way to connect to the VoIP provider's customer. Since VoIP providers have been classified as information service providers, they are currently ineligible for direct access to NANP Numbering Resources.

In contrast to the services offered by VoIP providers, ILLC's service as defined above, is a PCS offering with an IP enabled capability for direct bi-directional interface to the PSTN through its patented IP to PSTN to IP Gateway. ILLC through its Inter-Exchange Carrier Agreement with Global Crossing (GX), hands off its subscriber's calls for termination by GX. In addition, ILLC's service works over both broadband and dial up networks without the need for an Adapter and provides enhanced service capabilities and features to both markets.

Further, the Commission's VoIP 911 Order and Commission Rules 9.5, requires that all Interconnected VoIP Service Providers must provide a callback number for the PSAP's to enable them to reach the caller. As stated above, ILLC's E911 has been E911 certified. ILLC asserts that its IP based service eclipses the current defined VoIP services and is and should be classified as a Personal Communications Service with an IP telephony adjunct.

Currently in order to provide NANP numbers for their customers to make and receive calls and to comply with the Commission E911 Order the VoIP providers must purchase DID numbers from the CLECS or ILECS because 47 C.F.R. § 52.15(g)(2)(I) requires that numbers be assigned only to certified carriers. ILLC asserts that since it is a certified carrier that is offering PCS services for which the 500 area code has been specifically allocated, that it should not be burdened with this additional cost and inconvenience or denied access to this resource solely because its E911 compliant telephony technology

is IP based.

Further, since ILLC is seeking access to the 500-XXX codes, the confusion and other problems in location issues for E911 compliance and the exhaustion of State specific Code Resources caused by the VoIP providers in providing their customers area codes of choice are eliminated. By granting ILLC's STA request, the Bureau can authorize ILLC to obtain numbering resources directly from NANPA and the PA.

In 2001 the Commission established the standard for granting an STA request by determining whether the proposed action "will serve the public interest, convenience and necessity"<sup>4</sup> Also, in the *Verizon Fiber STA Order*<sup>5</sup>, the Bureau granted Verizon's STA to "own and operate advanced services equipment to the extent necessary to build and deploy a fiber-to-the-home network". This decision was consistent with the Commission's goal to "foster innovation, speed the delivery of advanced services and to allow incumbents the opportunity to predict operational difficulties that may arise when a new network technology is deployed on a larger scale."<sup>6</sup>

Granting ILLC an STA to obtain numbering resources directly from NANPA and the PA furthers that goal. The STA will allow ILLC to offer and deliver advanced service capabilities to its subscribers in both the broadband and dial-up markets. It will speed the deployment of these enhanced features and E911 services to both Urban and Rural areas across the country. It is submitted that the denial of direct access to the numbering resources to ILLC, creates a burdensome economic barrier to entry into these markets and has a chilling effect on innovation and technological advances that results in a deprivation of advanced services to the public and a Commission sanctioned windfall to the incumbents.

The granting of this STA will have no coercive effect on the outcome of the issues raised in the pending *IP-Enabled Services* Rulemaking proceeding<sup>7</sup> or Order FCC-20 (*Administration of the North American Numbering Plan*, CC Docket 99-200,

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<sup>4</sup> See *Application of GTE, transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Section 24 and 310 Authorization and Applications to Transfer Control of a Submarine Cable Landing License*, CC Docket No. 98-184, Order, FCC Rcd 15,957 ¶ 3 (Policy and Program Division 2001)

<sup>5</sup> 16 FCC Rcd 11,810 ¶ 4 (Common Carrier Bureau 2001) (*Verizon Fiber STA Order*)

<sup>6</sup> Id., ¶ 4.

<sup>7</sup> *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004)

adopted January 28, 2005, or the NANC Report and Recommendation by the Future of

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Numbering Working Group entitled *VoIP Service Provider's Access Requirements For NANP Resource Assignments* (July 15, 2005). In all of these proceedings, the Commission is seeking to ascertain "whether any action relating to numbering resources is desirable to facilitate or at least not to impede (emphasis added) the growth of IP-enabled services, while at the same time continuing to maximize the use and life of numbering resources in the North American Numbering Plan".<sup>8</sup> It is well settled that the grant of an STA is not a permanent rule change but is a temporary grant of authority that does not interfere with the Commission's ability or authority to make Rules or changes in these proceedings. Further, since ILLC's PCS offering is a defined category of service which uses a set aside pool of resources that is differentiated from the standard VoIP Service offerings, the granting of the STA would not have an adverse effect on the rest of the NANP/PA resources. ILLC will of course comply with the Commission Orders, Rules and Regulations that evolve from these proceedings. A review of the latest 500- NXX Code Assignment Report<sup>9</sup> reveals that there are currently 213 (Ten thousand block) 500-NXX's Codes available for assignment, without counting the 522 and 533 Codes reserved for expansion of this type of service.

### ***Request For STA***

For all of the above cited reasons and its status as a certified carrier offering Personal Communications Services as defined by NANP, ILLC respectfully requests that the Bureau promptly grant it's STA request and/or authorize ILLC to obtain numbering resources directly from NANPA and or the PA for the purposes outlined above.

Should you require additional information or have any questions, please contact the undersigned at your convenience. ILLC is prepared to come to the Bureau for direct discussions of this matter if required.

Respectfully Submitted,

***/Robert L. Kinkle/***

ROBERT L. KINKLE, ESQ.

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<sup>8</sup> Id. ¶ 76.

<sup>9</sup><http://www.nationalnanpa.com/nas/public/formPCSMasterReport.do?method=displayPCSMasterReport>

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Enclos

cc: (via electronic mail)

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